

REMARKS

The Applicants wish to thank the Examiner for thoroughly reviewing and considering the pending application. The Office Action dated April 22, 2005 has been received and carefully reviewed. Claims 1-16 have been amended and are currently pending. Reexamination and reconsideration are respectfully requested.

Initially, the Applicants wish to thank the Examiner for allowing claims 4-15. Similarly, the Applicants thank the Examiner for indicating that claim 3 includes allowable subject matter.

The Office Action objected to claim 1 for the informalities noted therein. The Applicants have corrected claim 1 accordingly, and ask the Examiner to withdraw this objection.

In addition, the Office Action rejected claims 1, 2, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2003/0209024 to *Lee* (hereinafter “*Lee*”) in view of U.S. Patent No. 5,467,610 to *Bolton et al.* (hereinafter “*Bolton*”). The Applicants respectfully traverse the rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” The Applicants respectfully submit that neither *Lee* nor *Bolton*, either singularly or in combination, disclose or suggest each and every element recited in claims 1 and 16. In particular, claims 1 and 16 recite an air conditioner comprising, among other features, a brace fastened to a barrier, a shroud, and a cabinet. Neither of the references, either singularly or in combination, disclose or suggest any of these features.

The Office Action indicates that *Lee* discloses “a brace (195) fastened to the barrier, the shroud and the upper cover.” *See e.g.*, the Office Action at page 2. The Applicants respectfully disagree. While *Lee* does in fact disclose a brace 195, the brace fastens an outdoor

air guide 190 and an indoor air guide 150. *See e.g.*, paragraph [0065]. The brace 195 does not fasten to a barrier and a cabinet, as recited in claims 1 and 16. Furthermore, *Bolton* fails to address the shortcomings of *Lee*. Because *Bolton* fails to overcome the deficiency of *Lee*, the Applicants submit that claims 1 and 16 are patentable over the cited references, as is claim 2, which depends from claim 1, and request that the rejection be withdrawn.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant's representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: July 15, 2005

Respectfully submitted,

By


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